

REMARKS

After entry of this amendment, claims 1-25 and 40 are pending in the present application. Claims 26-39 have been withdrawn. Claim 40 has been amended to recite the elected species. Thus, no new matter is added by this amendment.

Restriction of Claims

Applicants hereby elect with traverse the claims of Group I (claims 1-25 and 40), drawn to an expression vector, host cell comprising the same, and a lipid-nucleic acid particle comprising the same.

Restriction of an application is discretionary, and a restriction requirement is made only to avoid placing an undue examination burden on the Examiner and the Office. Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits, even though they are directed to independent and distinct inventions. MPEP §803.01.

Since Groups I-IV are closely related inventions based on the same inventive concept, *i.e.*, an expression cassette comprising (a) a eukaryotic promoter and a first RNA polymerase promoter operably linked to a nucleic acid encoding a secretable RNA polymerase having a secretion domain, and a first internal ribosome entry site (IRES); and (b) a second RNA polymerase promoter operably linked to a nucleic acid encoding a product of interest and a second internal ribosome entry site, Applicants respectfully submit that examining the claims of Groups I-IV together would not place an undue burden on the Examiner. As such, Applicants make the election with traverse and request that the restriction requirement be withdrawn.

Election of Species

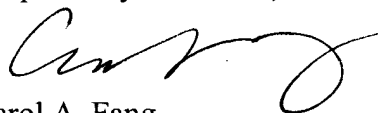
Applicants elect a species wherein the secretion domain is SEQ ID NO:19. Claims 1-25 and 40 read on the elected species. Applicants request that upon allowance of the claims, the Examiner consider rejoinder of withdrawn species if they are embraced by the allowed generic claims pursuant to MPEP § 809.03(c)(B).

Appl. No. 10/688,299
Amdt. dated December 15, 2005
Reply to Office Action of November 15, 2005

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 925-472-5000.

Respectfully submitted,



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